



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGIONAL ADMINISTRATOR  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

**JUN 12 2019**

Kevin DuPuis - Tribal Chairman  
 Fon Du Lac Band of Lake Superior Chippewa  
 1720 Big Lake Road  
 Cloquet, MN 55720

Dear Chairman DuPuis:

On behalf of the U.S. Environmental Protection Agency, I am responding to your request made at the May 15, 2019 meeting at EPA headquarters to view and receive documents related to the EPA's review of a National Pollution Discharge Elimination System (NPDES) permit issued by the Minnesota Pollution Control Agency for PolyMet Mining Inc.'s Northmet mining facility in St. Louis County, Minnesota.

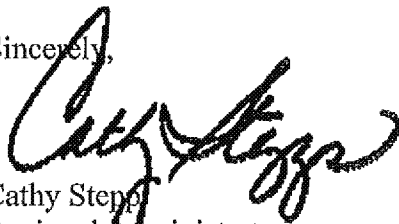
It has long been the practice for EPA staff to have verbal conversations with their regulatory partners, tribal or state, as they work through complex permitting decisions. I have specifically encouraged EPA staff to work more collaboratively and speak "face-to-face" with state officials to ensure prompt and accurate exchanges of information. This type of communication is essential to promoting strong relationships between the Agency and the state and tribal entities.

Additionally, the EPA is committed to improving communication and building stronger partnerships between the Agency and federally recognized tribes. Consistent with the Agency's 2019-2020 priorities, Region 5 is dedicated to building communication approaches to better connect tribes, EPA, and other stakeholders to foster a collaborative working relationship. As part of this effort and ahead of next week's planned Regional Tribal Operations Committee (RTOC) meeting, which will include representatives from the Fond du Lac Indian Tribe, I have decided to release an Agency document regarding Minnesota's NPDES permit for the Northmet mining facility that has been requested by the Tribe. Region 5 believes that providing this document to the Fond du Lac Tribe will advance these goals.

To be clear, the EPA determined that the document you are seeking is deliberative and should be withheld under Exemption 5 of the FOIA, the deliberative process privilege. The Agency maintains that this document is deliberative. However, because Region 5 has made the decision to provide the document to the Fond du Lac Indian Tribe that privilege has been waived. Through this accommodation, the EPA does not waive any confidentiality interests in these documents or similar documents in other circumstances.

If you have further questions, you may contact me, or your staff may contact Alan Walts in our office at [walts.alan@epa.gov](mailto:walts.alan@epa.gov) or (312) 353-8994.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Stepp". The signature is fluid and cursive, with the first name "Cathy" being more prominent than the last name "Stepp".

Cathy Stepp  
Regional Administrator

Enclosures

Cc: Alan Walts  
Cheryl Newton  
Joan Tanaka  
Rett Nelson